

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

REMOVE YOUR CONTENT, LLC

§

Plaintiff,

§

v.

§

MARK BOCHRA,

§

Defendant

§

§

CIVIL ACTION NO. 3:09-cv-393

MOTION FOR SANCTION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, Mark Bochra and files his motion for sanction, and respectfully request that the Court dismisses the case pursuant to the Scheduling Order and would show the Court the following in support:

I. RELEVANT DATES AND BACKGROUND

1.1 The parties were ordered to Jointly file all pretrial materials on or before June 19, 2010.¹

1.2 The Court ordered that all pretrial management are referred to the honorable Judge Paul D. Stickney.²

1.3 Plaintiff's counsels have failed to contact the Defendant regarding the pretrial materials on or before June 19, 2010. Furthermore, Plaintiff's counsels have failed to submit any pretrial materials on or before June 19, 2010; despite their awareness of the Scheduling Order.

¹ See Document 13, Page 4, sec. II (8); Scheduling Order.

² See Document 23, Reference for Pretrial Management.

Moreover, Plaintiff's counsels have failed to Jointly file the pretrial materials and order with the Defendant.³

1.4 Plaintiff has filed its pretrial materials, and order on June 21, 2010, wherein Plaintiff failed to timely file the required pretrial materials.⁴

II. SUMMARY OF ARGUEMENT

2.1 Pursuant to the Scheduling Order, the deadline for filed pretrial materials was on or before June 19, 2010. Plaintiff's counsels have failed to timely file their pretrial materials and order on or before June 19, 2010. Plaintiff's counsels further failed to contact the Defendant and Jointly filed the pretrial materials and order on or before June 19, 2010.

2.2 Defendant has a limited understanding related to pretrial materials. Furthermore, Defendant is moving as a *Pro Se* in the present controversy and pursuant to the Court's order referencing the honorable Judge Paul D. Stickney for pretrial management, Defendant believed that the Scheduling Orders and its process was held until further direction or notice by the Court.

2.3 Despite Plaintiff's counsels expertise and awareness of the Scheduling Order deadlines, however, Plaintiff's counsels filed their pretrial materials and order on June 21, 2010.⁵

2.4 Pursuant to the Scheduling Order, if the plaintiff does not timely file the required (or other) pretrial material, the case will be dismissed.⁶

III PRAYERS

WHEREFOR, For the reasons stated, Mark Bochra respectfully prays that the Court grant his motions for sanction, enter an order dismissing Remove Your Content's claims against Mark Bochra for failure to timely file the required pretrial material.

³ See Document 28, reason why Plaintiff's counsels failed to file the Joint Pretrial Materials and Order.

⁴ See Document 13, Page 4, Sec. II (8), Deadline for filed pretrial materials was June 19, 2010.

⁵ See Document 26 & 27.

⁶ See Document 13, Page 10, Sec. II (13)

Dated: June 21, 2010.

Respectfully submitted,

\s\ Mark M. Bochra.

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Defendant, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2010, I electronically filed the foregoing document with the Clerk of Court for the U. S. District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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